

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CAVE MAN KITCHENS INC.,

Plaintiff-Counter Defendant,

v.

CAVEMAN FOODS LLC,

Defendant-Counterclaimant.

C18-1274 TSZ

MINUTE ORDER

Having reviewed the parties' Stipulation Regarding Entry of Judgment, docket no. 134, and the parties' Joint Status Report ("JSR"), docket no. 136, the following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The Court has granted Defendant Caveman Foods LLC's motion for summary judgment on all of Plaintiff Cave Man Kitchens Inc.'s claims (Counts I–IX). *See* docket nos. 128 & 131. The Court declines to enter a partial judgment in favor of Defendant and against Plaintiff at this time.

(2) The Court APPROVES the parties' stipulation that the Court may enter judgment in favor of Defendant and against Plaintiff on three of Defendant's counterclaims: (i) Declaratory Judgment of Validity of U.S. Trademark Registration No. 4,565,451 (Count I of Counterclaims); (ii) Declaratory Judgment on Validity of U.S. Trademark Registration No. 4,863,604 (Count III of Counterclaims); and (iii) Declaratory Judgment of No Trademark Infringement or Unfair Competition (Count V of Counterclaims). *See* Stipulation (docket no. 134 at 3). The Court declines to enter a partial judgment in favor of Defendant and against Plaintiff at this time.

(3) The Court DECLINES to dismiss Defendant's five remaining counterclaims (Counts II, IV, and VI–VIII) contingent on Defendant's ability to refile

1 “those claims in an amended counterclaim in the event any portion of Plaintiff’s claims
2 survive appeal.” Stipulation (docket no. 134 at 3); *see* Minute Order at ¶ 1 (docket
3 no. 135); JSR (docket no. 136 at 2). The Court will enter a judgment once all of
4 Defendant’s counterclaims have been resolved.

5 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of
6 record.

7 Dated this 10th day of March, 2021.

8 William M. McCool
9 Clerk

10 s/Gail Glass
11 Deputy Clerk